



I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 11, 2007.

*Lynda Pixley*  
Lynda Pixley  
Date of Signature January 11, 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dykstra et al.

Group Art Unit: 1626

**Serial No.: 10/796,657**

Examiner: Grazier, N.

Filed: March 9, 2004

Docket No.: 421/60/18/2/2

Confirmation No.: 2624

For: COMPOUNDS, METHODS AND COMPOSITIONS USEFUL FOR THE  
TREATMENT OF BOVINE VIRAL DIARRHEA VIRUS (BVDV) INFECTION AND  
HEPATITIS C VIRUS (HCV) INFECTION

\*\*\*\*\*

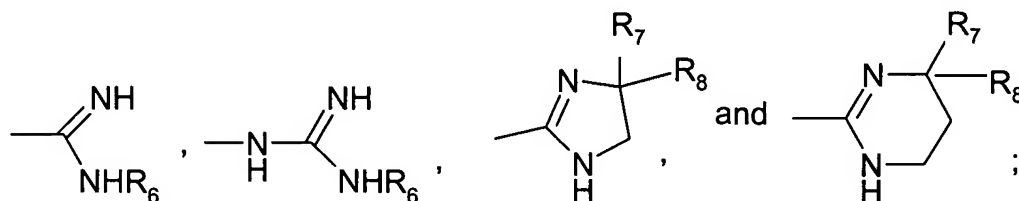
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that it be noted that applicants do not fully agree with the Statement of Reasons for Allowance. In particular, applicants note that the Examiner states that the instant invention relates to compounds useful in treating bovine diarrhea virus and "pestivirus related hepatitis C viral infections." Applicants note that hepatitis C is caused by a virus of the *Flaviviridae* family of viruses. Applicants note that claims 78 and 84 both recite methods of treating "*Flaviviridae*-related hepatitis C infection."

Applicants further note that the present claims are directed to compounds that comprise furan, benzimidazole and phenyl groups. These groups may be substituted by a variety of other functional groups. The Examiner's Statement on Reasons for Allowance recites that the aryl and benzimidazolyl groups do not simultaneously have amidine substituents. Applicants note that the presently claimed compounds comprise a cationic group, A, selected from:



wherein  $\text{R}_6$  is H, alkyl or aryl; and  $\text{R}_7$  and  $\text{R}_8$  are each independently selected from the group consisting of H and alkyl. Thus, the present compounds can comprise an amidine, substituted amidine, cyclic amidine, guanidine, or substituted guanidine substituent(s).

Accordingly, the Statement of Reasons for Allowance should not be used to interpret the cited claims, particularly to the extent that any part of the Statement differs from the express language of the claims and/or applicants' positions on patentability of those claims. It is respectfully submitted that the allowed claims should be entitled the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and applicants' prosecution of the claims, without reference to the Statement of Reasons for Allowance.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: 1/11/2007

By:



Arles A. Taylor, Jr.  
Registration No. 39,396  
Customer No.: 25297

421/60/18/2/2  
Enclosures

AAT/ALO/ljp

JENKINS  
WILSON  
TAYLOR  
& HUNT

patent attorneys

January 11, 2007

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

BENTLEY J. OLIVE

\*CHRIS PERKINS, PH.D.

\*\*JAMES DALY IV, PH.D.

P. ASHLEY DARDEN

DAVID M. SIGMON

WESLEY A. SHEFFIELD

SCOTT C. MAYHEW

\*\*\*KIRBY A. TURNER

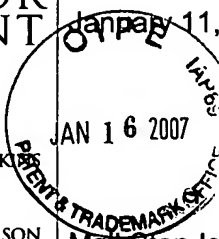
PATENT AGENT  
JAY KLINCK

TECHNICAL SPECIALIST  
AMY ODENBAUGH, PH.D.

\*LICENSED ONLY IN CA

\*\*LICENSED ONLY IN KY

\*\*\*LICENSED ONLY IN GA



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 11, 2007.

*Lynda Poxley*  
Lynda Poxley

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/796,657 for  
COMPOUNDS METHODS AND COMPOSITIONS USEFUL  
FOR THE TREATMENT OF BOVINE VIRAL DIARRHEA  
VIRUS (BVDV) INFECTION AND HEPATITIS C VIRUS  
(HCV) INFECTION  
Our Ref. No. 421/60/18/2/2 CON

Sir:

Enclosed in connection with the above-referenced patent application please find the following:

1. Base Issue Fee Transmittal Form (1 page;
2. Comments on Statement of Reasons for Allowance;
3. Check in the amount of \$1700.00; and
4. A return-receipt card to be returned to our offices with the U.S. Patent and Trademark filing stamp thereon.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Please contact our offices if there are any questions.

Very truly yours,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

*Arles A. Taylor, Jr.*

Arles A. Taylor, Jr.  
Registration No. 39,395  
Customer No: 25297

AAT/ALO/ljp

Enclosures

tel 919.493.8000  
fax 919.419.0383

Jenkins, Wilson, Taylor & Hunt, P.A.  
JenkinsWilson.com

University Tower, Suite 1200 | 3100 Tower Boulevard | Durham, North Carolina 27707